

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MIKE MCKANE,	:	
	:	
Petitioner,	:	Civil Action No. 15-4769 (SDW)
	:	
v.	:	
	:	MEMORANDUM ORDER
	:	
STEPHEN JOHNSON, et al.,	:	
	:	
Respondents.	:	

IT APPEARING THAT:

1. On or about June 26, 2015, Petitioner filed with this Court a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state court conviction, and paid the appropriate filing fee. (ECF No. 1).

2. On July 6, 2015, this Court dismissed the petition without prejudice as Plaintiff failed to allege sufficient factual information to support his claims. (ECF No. 2). In that order, this Court granted Petitioner leave to amend his petition within thirty days of the date of the order. (ECF No. 2 at 2).

3. On July 30, 2015, this Court received a request from Petitioner for a thirty day extension of time within which to file his amended habeas petition. (ECF No. 4). In his letter, Petitioner states that he is currently held in a close custody unit with limited access to the law library, and his prison assigned paralegal is similarly currently detained and unable to aid him in preparing his amended petition. (ECF No. 4 at 1). Petitioner's letter therefore presents good cause for an extension, and Petitioner's request for an extension will be granted.

4. On or about July 16, 2015, Petitioner filed an application to proceed *in forma pauperis*.

(ECF No. 3).

5. Local Civil Rule 81.2(b) provides that a petition for a writ of habeas corpus which a petitioner seeks to file *in forma pauperis* must be accompanied by

An affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and . . . a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoner's prison account during the six-month period prior to the date of the certification.

6. Although Petitioner attaches a copy of his inmate account statement to his application to proceed *in forma pauperis*, Petitioner has not provided a certification signed by an authorized officer of the institution in which he is currently being held as required by Local Rule 81.2(b). As such, his application to proceed *in forma pauperis* is deficient and will be denied without prejudice.

IT IS THEREFORE on this 5th day of August, 2015,

ORDERED that the Clerk of the Court shall re-open this matter for the purposes of this Order only; and it is further

ORDERED that Petitioner's request for an extension of time within which to file his amended petition (ECF No. 4) is GRANTED; and it is further

ORDERED that Petitioner may file an amended petition within thirty (30) days of the date of this Order; and it is further

ORDERED that Petitioner's request to proceed *in forma pauperis* is hereby DENIED, without prejudice; and it is further

ORDERED that the Clerk of the Court shall forward Petitioner a blank form Application to Proceed *In Forma Pauperis* in a Habeas Corpus Case, for use by a prisoner; and it is further

ORDERED that, if after filing his amended petition, Petitioner wishes to reapply for *in forma pauperis* status, he shall so notify the Court, in writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, and such writing shall be accompanied by a complete application to proceed *in forma pauperis*, including the signed certification required by Local Civil Rule 81.2(b); and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order on Plaintiff by regular U.S. mail and shall CLOSE the file.

s/ Susan D. Wigenton
Hon. Susan D. Wigenton,
United States District Judge